

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

UNITED STATES OF AMERICA)
) Case No. 4:22-cr-16
v.)
) Judge Travis R. McDonough
BREVAN ZIMMER)
) Magistrate Judge Christopher H. Steger
)

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation (Doc. 51) recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to a lesser included offense of Count Two of the two-count Indictment; (2) accept Defendant's guilty plea to a lesser included offense of Count Two of the two-count Indictment; (3) adjudicate Defendant guilty of aiding and abetting the distribution of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) and 18 U.S.C. § 2; and (4) order that Defendant remain in custody pending sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 51) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to a lesser included offense of Count Two of the two count Indictment is **GRANTED**;

2. Defendant's plea of guilty to a lesser included offense of Count Two of the two count
Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of aiding and abetting the distribution of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) and 18 U.S.C. § 2; and
4. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place on **September 1, 2023, at 9:00 a.m.**

SO ORDERED.

*/s/ **Travis R. McDonough***
TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE